

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6148

BILL NUMBER: HB 1016

NOTE PREPARED: Nov 7, 2003

BILL AMENDED:

SUBJECT: Presumption Concerning Child Sexual Abuse.

FIRST AUTHOR: Rep. Orentlicher

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that a child is a child in need of services (CHINS) if the child:
(1) lives in the same household as another child who is the victim of certain sex offenses; and
(2) needs care, treatment, or rehabilitation that the child is not receiving and that is unlikely to be provided or accepted without the coercive intervention of the court.

It establishes a rebuttable presumption that a child is a CHINS if:

- (1) another child in the same household has been the victim of a sex offense;
- (2) the offense was committed by an adult living in the household; and
- (3) the offense resulted in the conviction of the adult or a CHINS adjudication concerning the child victim.

The bill also provides that a child presumed to be a CHINS may not be taken into custody or emergency custody unless a court finds cause following a hearing.

Effective Date: July 1, 2004.

Explanation of State Expenditures: To the extent that the bill adds a new circumstance under which a child is a child in need of services (CHINS), the bill could increase the number of children who may be declared by a court to be a CHINS. The child in question would need care, treatment, or rehabilitation that the child is not receiving and is unlikely to be provided or accepted without the coercive intervention of the court.

Background on CHINS: When a local office receives a report of allegations of abuse or neglect they conduct

an investigation. If the findings indicate by a preponderance of the evidence that the abuse or neglect did occur, the findings of the investigation will be substantiated. Case services range from offering services to removing a child to substitute care. The same funding sources are used for the different types of cases resulting in difficulty separating costs for each type of case. In CY 2002, there were 7,012 children who were substantiated as victims of abuse or neglect and were provided services. In FY 2002, total expenditures for all wards except delinquents were \$207 M. Assuming that time periods can be equalized, on average, \$29,500 is spent on each CHINS case. However, this average will overstate the costs of providing services and not custodial care. Also, the total caseload for both substantiated and unsubstantiated cases is not reflected in the caseload number provided, overstating the costs in regard to investigations.

Explanation of State Revenues:

Explanation of Local Expenditures: Depending on the actions of the juvenile court, the child could be placed in an out-of-home setting, increasing the costs to the county that pays for out-of-home costs. Additionally, depending on the financial status of the parents, guardians, or custodians of the child, the court may also incur added expenses for appointing an attorney to represent an indigent parent in a detention hearing.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies, county Office of Family and Children.

Information Sources:

Fiscal Analyst: Karen Firestone, 317-234-2106.